



CIVIL ENGINEERING, LAND PLANNING, SURVEYING

October 9, 2008

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Ms. Carol Lumb, Senior Planner  
Department of Community Development  
City of Tukwila  
6300 Southcenter Boulevard, Suite 100  
Tukwila, WA 98188

EXHIBIT 30 DATE 10-9-08  
PROJECT NAME  
Shoreline Master Program  
FILE NO L06-088

RE: Comments Regarding Shoreline Master Program Update  
Costco Wholesale  
400 Costco Drive, Tukwila, Washington  
Costco Loc. No. 6 / Our Job No. 7141

Dear Ms. Lumb:

On behalf of Costco Wholesale, Barghausen Consulting Engineers, Inc. is providing preliminary comments regarding the Shoreline Master Program Update currently in process at the City of Tukwila. In addition to these written comments we will be attending the public hearing scheduled for October 9, 2008, to provide oral comments to the Planning Commission as needed.

It is our understanding that the current Shoreline Master Program (SMP) for the City of Tukwila was originally adopted in 1974 and this is the first update to that plan. Further, the current SMP Plan includes a no-activity buffer of 40 feet together with a low-impact environment of 60 feet that allows for minor improvements including parking and associated appurtenances. The proposed update would now include a 125-foot no-activity buffer. The 125-foot buffer is the anticipated maximum area needed for Green River bank slope improvements including a 2:1 slope and landscape bench.

Costco Wholesale is committed to environmental stewardship. However, we feel that the adoption of a strict 125-foot no activity buffer is not necessary to achieve the City's stormwater management and habitat enhancement goals on the Green River within the limits of the City of Tukwila. Specifically, in the absence of an engineering design to accommodate the desired stream bank slope and vegetative enhancement on a particular piece of property the total required buffer width cannot be determined and may be much less than the proposed 125 feet. Moreover, the City's SMP appears to ignore existing uses and does not provide for any nexus or proportionality analysis for the property that may be impacted by the new buffer requirements.

Alternatives to a blanket no-activity buffer requirement could include the use of buffer averaging, or allow for specific engineering design to meet the desired goals of the plan. The intent is to allow for flexibility in the SMP that balances community need and development rights.

The City's SMP update inadequately addresses existing development in the proposed 125-foot buffer area. Draft SMP Section 9 provides "nonconforming uses and structures will be governed by the standards in TMC 18.70 Nonconforming Lots, Structures and Uses." However, the City's nonconforming use and structure provisions provide no relief for impacted landowners. TMC 18.70.040 (nonconforming uses) and 18.70.050 (nonconforming structures) preclude intensification of uses or enlargement of a structures that increase the property's degree of nonconformity. Moreover, TMC 18.70.050 prohibits rebuilding of a nonconforming structure "destroyed by any means" to an extent of more than 50% of its replacement value.

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Costco, like other landowners in the proposed shoreline area, reasonably relied on the City's previous development regulations in the siting of its consumer warehouse, and it has made a multi-million dollar investment in its property. In order to remain viable, many commercial enterprises, including Costco, require the ability to reasonably alter, expand, or intensify their use over time to respond to market conditions and customer demand. The blanket 125 foot no activity buffer, if adopted, may result in serious impacts to the Costco property, primarily restricting or eliminating the ability to complete future remodels, additions, improvements or redevelopment of the site. If the City were to pursue the acquisition of this buffer, the impact could be severe, resulting in the loss of substantial parking, drive aisles and access. It may also impact alteration to Costco's existing fuel facility and impair Costco's ability to reconfigure its site plan as may be needed to accommodate future changes to its warehouse footprint.

As part of its SMP efforts, the City should either amend its existing nonconforming use and structure provisions, or create SMP-specific provisions to allow reasonable expansion or modifications of existing structures or uses, even if such expansion or modifications would increase the site's nonconformity. For example, Pierce County allows 5%-33% of commercial nonconforming uses or structures through an administrative approval, depending upon the zone in which the structure is located. PCC 18A.35.130(D)(3) and Table 18A.35.130-1.

Thank you for your attention to this matter, we look forward to working with the City more closely through the SMP update process to reach a balance between community needs and the development rights of individual property owners within the City of Tukwila.

Sincerely,



John Ellingsen  
Senior Planner  
On Behalf of Costco Wholesale Corporation

JE/pj

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cc: Mr. Rick Jerabek, Costco Wholesale Corporation  
Ms. Gail Tsuboi, Costco Wholesale Corporation